

ATTACHMENT 4

Wisconsin Administrative Code requirements not affected by variance

- A certified [personal care] provider shall:
 - ✓ Supervise the provision of personal care services.
 - ✓ Ensure that qualifications and requirements of the registered nurse supervisor and personal care worker ... are being met.
 - ✓ Evaluate each personal care worker's work performance on a periodic basis. (s. HFS 105.17[1][k],[L], and [t], Wis. Admin. Code.)
- The RN supervisor shall:
 - ✓ Evaluate the need for service and make referrals to other services as appropriate.
 - ✓ Secure written orders from the recipient's physician ... once every 3 months unless the physician specifies that orders covering a period of time up to one year are appropriate.
 - ✓ Develop a plan of care for the recipient, ... interpret the plan to the personal care worker; ... and review the plan at least every 60 days and update it as necessary.
 - ✓ Evaluate the competency of the worker to perform the services. (s. HFS 105.17[2][b]1., 2., 3. and 6., Wis. Admin. Code.)
- Personal care workers shall:
 - ✓ Perform tasks assigned by the RN supervisor.
 - ✓ Report any changes in the recipient's condition to the RN supervisor.
 - ✓ Confer as required with the RN supervisor regarding the recipient's progress. (s. HFS 105.17[3][b] 1., 3., and 4., Wis. Admin. Code.)
- Personal care services shall be provided upon written orders of a physician ... according to a written plan of care. The personal care worker shall be assigned by the supervising registered nurse to specific recipients to do specific tasks for those recipients for which the personal care worker has been trained. The personal care worker's training for these specific tasks shall be assured by the supervising registered nurse. The personal care worker is limited to performing only those tasks and services as assigned for each recipient and for which he or she has been specifically trained. (s. HFS 107.112[1][a], Wis. Admin. Code.)
- Personal care services shall be performed under the supervision of a registered nurse by a personal care worker who meets the requirements of s. HFS 105.17 (3) and who is employed by or is under contract to a provider certified under s. HFS 105.17. (s. HFS 107.112[3][a], Wis. Admin. Code.)
- Services shall be performed according to a written plan of care for the recipient developed by a registered nurse. ... The plan shall be based on the registered nurse's visit to the recipient's home and shall include:
 - ✓ Review and interpretation of the physician's orders;
 - ✓ Frequency and anticipated duration of service;
 - ✓ Evaluation of the recipient's needs and preferences; and
 - ✓ Assessment of the recipient's social and physical environment, including family involvement, living conditions, the recipient's level of functioning and any pertinent cultural factors such as language. (s. HFS 107.112(3)(b), Wis. Admin. Code.)

Wisconsin Statutes and Administrative Code Relating to the Practice of Nursing

Wisconsin Medicaid reminds providers that if an RN supervisor delegates a nursing act to an unlicensed person, such as a personal care worker, he or she is required under N 6.03(3), Wis. Admin. Code, to:

- Delegate tasks commensurate with educational preparation and demonstrated abilities of the person supervised.
- Provide direction and assistance to those supervised.
- Observe and monitor the activities of those supervised.
- Evaluate the effectiveness of acts performed under supervision.

In accordance with N 6.05, Wis. Admin. Code, a violation of the standards of practice constitutes unprofessional conduct or misconduct and may result in the board limiting, suspending, revoking, or denying renewal of the license, or in the board reprimanding an RN.